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Attorney Docket No. 1148/039

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 3736

Examiner D. McCrosky

In re application of

TELLER ET AL.

Serial No. 09/923,181

Filed August 6, 2001

PATENT APPLICATION

APPARATUS FOR MONITORING  
HEALTH, WELLNESS AND FITNESS

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Pittsburgh, Pennsylvania 15222

November 19, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

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TECHNOLOGY CENTER

With regard to the Notice of Non-Compliant Amendment (37 C.F.R. 1.121) dated October 20, 2004, the Legal Instruments Examiner has stated that each claim, as submitted in the Amendment dated February 13, 2004, has not been provided with the proper status identifier. Applicant has reviewed the Amendment as submitted and is unable to locate the improper status identifiers referenced with the Notice. Applicant therefore believes the claims are in compliance.

I, Barry I. Friedman, in accordance with 37 C.F.R. 1.8(a), hereby certify that I have a reasonable basis to expect that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope bearing sufficient postage and addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
on:

November 19, 2004  
Date of Deposit

Signature

Applicant has made several unsuccessful attempts to contact the Legal Instruments Examiner listed on the Notice of Non-Compliant Amendment. Applicants believe that a full and complete response has been made in response to the Notice of Non-Compliant Amendment. If the Legal Instruments Examiner feels that any issues remain that require discussion, she is kindly invited to contact Applicant's undersigned attorney to resolve the issues.

Respectfully submitted,

METZ LEWIS LLC

By 

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